IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mario A. VILLENA, et al.

Application No. 10/536,692 : International Application No.: PCT/US04/28217

Filed: May 27, 2005 : International Application Filing Date: August 31, 2004

For: COMPUTERIZED SYSTEMS FOR FORMATION AND UPDATE OF   DATABASES

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131

Commissioner for Patents
Washington, D.C. 20231
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, Mario A. Villena, am an inventor in the present application. I also am a manager and

technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant

Application. I have personal knowledge of the work done in accordance with the related projects of

HomeKeys.net.

2. The fourteenth (14th) day of March TWO-THOUSAND AND FOUR (2004), which upon

information and belief, is the publication date of an article entitled "Here's how to calculate home

value" By Holden Lewis. The article, which was cited by Examiner Naresh Vig of the United States Patent and Trademark Office in an Office Action mailed March 2, 2007, was published in The Sunday Patriot – News (Harrisburg, PA) on page 101.

3. The fourth (4th) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the INITIAL publication date of the article of section 2, which is differently entitled "Determining a home's value." This article was initially published on www.bankrate.com, and a copy of this article is attached herewith. The article can also be found at http://www.bankrate.com/brm/news/real-estate/20040304a1.asp. The following facts show reduction to practice of the presently claimed methods and systems in the United States of America prior to this publication date.

4. The present United States patent application was drafted in the summer of the year 2004.

5. Attached is a copy of a page provided by William Kennedy, an employee and software developer of HomeKeys, containing a portion of Standard Query Language (SQL) code developed by Mr. Kennedy and Jose A. Villena, another inventor of record. The copy of the SQL code is attached herewith and made part of this Declaration as an Exhibit of record. The SQL code bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

6. The SQL code was used as part of a software project of HomeKeys during the development of the software. As shown in the Exhibit, the SQL code includes a data structure (TABLE PropertyListings) containing a number of data fields. Among these fields (line 89) is a field labeled "ListingEstimatedPrice", which was used to hold an Automated Valuation Model (AVM) generated estimate for each of a number of real properties documented by the data structure. Accordingly, the Exhibit demonstrates: (1) the existence of a database that includes a respective AVM value for each of a plurality of properties (2) capable of being queried, as is referenced in the independent claims of the present Application.

7. The SQL code identified in the Exhibit was produced in the United States of America.

8. I am aware of the construction and operation of an apparatus and method practicing the features of the independent claims of the present Application, and am also aware of their existence on a date prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

9. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

10. Further, declarants sayeth naught.

11. WITNESS my signature below in the indicated date.

3-9-07
Date

Mario A. Villena
Mario A. Villena

Exhibits: Copy of Standard Query Language (SQL) code developed by Mr. William Kennedy and Mr. Jose A. Villena.

Attachments: Copy of an article entitled "Determining a home's value" by Holden Lewis.

File Edit View Versions Tools Web Help

Database: VSS on Sourcesafe01

$/.../Database/Commercial/TablesHEC

No Working Folder

Name	User	Date-Time	Check Out Folder
Selling.sql			
Property.sql			
Project.sql			
Appointments.sql			

```
$/
  HomeExperts
    Aloaris
    Required Software
    TestPlans
    Version 1.1
      ContinuumAddins
      ContinuumClassLibrary
      ContinuumControls
      ContinuumWizards
      DatabaseManagementSystem
        Database
          Commercial
            ProceduresHEC
            Queries
            TablesHEC
          PricingAndSecurity
            ProceduresFSG
            ProceduresHEA
            ProceduresSEC
            QueriesHEA
            TablesHEA
            TablesSEC
            TriggersHEA
        DataImportUtility
        FileStatistics
```

C:\DOCUME~1\bkennedy\LOCALS~1\Temp\Selling.sql

```sql
56
57 PRINT 'Create Table PropertyListings'
58 CREATE TABLE PropertyListings
59 (
60    CustomerId          INT           NOT NULL,
61    FolioKey            CHAR(13)      NOT NULL,
62    UpdateSeq           INT           NOT NULL,
63    UpdateDate          DATETIME      NOT NULL,
64    FolioOwnerName      VARCHAR(35)   NOT NULL,
65    FolioAddrProperty   VARCHAR(35)   NOT NULL,
66    FolioCounty         VARCHAR(35)   NOT NULL,
67    FolioPriZone        CHAR(4)       NOT NULL,
68    FolioClucCode       CHAR(4)       NOT NULL,
69    FolioBedroom        INT           NOT NULL,
70    FolioBath           INT           NOT NULL,
71    FolioBldgSqftg      INT           NOT NULL,
72    FolioLotSize        INT           NOT NULL,
73    FolioYearBuilt      INT           NOT NULL,
74    LegalDescription1   VARCHAR(35)   NULL,
75    LegalDescription2   VARCHAR(35)   NULL,
76    LegalDescription3   VARCHAR(35)   NULL,
77    LegalDescription4   VARCHAR(35)   NULL,
78    LegalDescription5   VARCHAR(35)   NULL,
79    LegalDescription6   VARCHAR(35)   NULL,
80    LegalDescription7   VARCHAR(35)   NULL,
81    LegalDescription8   VARCHAR(35)   NULL,
82    LegalDescription9   VARCHAR(35)   NULL,
83    LegalDescription10  VARCHAR(35)   NULL,
84    ListingName         VARCHAR(35)   NOT NULL,
85    ListingAddress      VARCHAR(35)   NOT NULL,
86    ListingLivingUnits  INT           NOT NULL,
87    ListingFloors       INT           NOT NULL,
88    ListingAskingPrice  MONEY         NOT NULL,
89    ListingEstimatedPrice MONEY       NOT NULL,
90    ListingBedrooms     INT           NOT NULL,
91    ListingBaths        INT           NOT NULL,
92    ListingBldgSqftg    INT           NOT NULL,
93    ListingLotSize      INT           NOT NULL,
94    ListingAdvertisment TEXT          NOT NULL,
95    ListingSoldPrice    MONEY         NULL,
96    Activated           BIT           NOT NULL
97 CONSTRAINT PK_PropertyListings PRIMARY KEY CLUSTERED (CustomerId, FolioKey, UpdateSeq
```

Exhibit

Bankrate.com

Determining a home's value, page 2

By Holden Lewis • Bankrate.com

Among Moulton's current clients is a twentysomething couple who are buying their first home. They have agreed to pay $592,000 for a house on Long Island. The owner is selling without an agent. Moulton told his clients that the iffiest part of the transaction is the appraisal -- the appraised value could be lower than the purchase price.

Sitting with his clients in the office, he looked up sale prices of houses within three-quarters of a mile from the home that his clients are buying. Prices varied from $450,000 to $750,000. "So the house they were buying seemed to be right in the middle," Moulton says. "I suggested that they drive by the other homes to get a sense of what they were buying versus what they found in the area."

After driving by and looking at the comps they identified online, Moulton's clients felt confident that they had offered a fair price, and they await the lender's appraisal.

Even if you do a good job of comparing a house to others, an experienced real estate agent probably can do better. An agent, Joslin says, will take into account the year a house is built, whether the home's architectural style (Colonial or ranch, for example) is in vogue, and other factors that affect a home's value.

In coming up with an opinion on a home's market value, the gold standard is to hire a licensed appraiser, the best source of unbiased opinion about how much a house is worth. There are several kinds of appraisals.

A full appraisal -- called a complete summary appraisal -- requires interior and exterior inspections, photos, drawings and comparisons with at least three nearby homes that have been sold recently. A complete summary appraisal can cost several hundred dollars, and it requires the owner's cooperation -- something you might not have if you're the prospective buyer.

To save money, you could ask an appraiser to prepare a condensed analysis called a 2055 form, with or without an interior inspection (an exterior-only inspection often is called a "drive by").

For even less money, you could spring for an automated valuation

See Also

- **Mortgage Matters:** A daily Weblog on mortgage rates
- Boost your home's value: Remodel!
- Getting an appraisal -- the basics
- Daily mortgage rate update
- Mortgage glossary
- Track prime rate/other leading rate indexes
- More mortgage stories

Attachment

model, or AVM -- a computer estimate of the home's value. Many real estate-oriented Web sites have links to AVM services. Domania, operator of Home Price Check, offers an AVM service called Value Check. Other sites offering AVMs include HomeGain and Electronic Appraiser. Don't expect an AVM to yield as accurate or precise an opinion as a complete summary appraisal.

But it might be good enough to relieve your anxieties and let you get a good night's sleep.

-- Posted: March 4, 2004

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Determining a home's value

By Holden Lewis • Bankrate.com

Here's a question that paralyzes homeowners with anxiety: "How much do I ask for my house?"

The flipside of that question -- "How much should I offer?" -- keeps buyers up at night, too.

Figuring out a home's market value takes a lot of science, a little bit of art and a hard head. The science consists of obtaining prices of similar homes in the neighborhood that have been sold recently. The art entails comparing those homes to the one you want to sell or buy -- how they are similar, how they differ, what makes the other homes more or less valuable. The hardheaded part demands putting aside your emotions and arriving at a price that the market will support, regardless of how you feel about the house or how much money has been put into it.

The process is especially vital for people selling their houses without the help of real estate agents. But even if you have hired an agent to sell the house, or if you're buying instead of selling, it's a good idea to estimate your home's value independently, so you can find out if you and the agent see things the same way.

There are two excellent Web sites to start with. Both allow you to look up sale prices of nearby homes. HomeGain's service offers a list of nearby home sales that includes each home's address, price, sale date, number of bedrooms, square footage and approximate year built. Disclosure: Bankrate is a business partner with HomeGain.

A competitor, Home Price Check, offers a shorter list, giving each home's address, month sold and the number of bedrooms and bathrooms. A spot check of four addresses in three states showed that HomeGain offers more data, but Home Price Check's sales data are more recent -- one month newer in Jupiter, Fla., and four years newer in Garden City, N.Y.

"It's a great way to understand the value of real estate because it's the raw data," says Ben Joslin, general manager of Domania Inc., the unit of Lending Tree that operates Home Price Check.

Real estate agents estimate home values by finding comparable houses (called "comps"), too, but not all buyers and sellers use agents. Colby Sambrotto, chief operating officer of

ForSaleByOwner.com, a service for people who sell their homes without real estate agents, sends his clients to Home Price Check. It beats going to the county recorder's office and looking at real estate records.

Sale price information helps buyers, too, allowing them to come up with an educated idea of how much to offer. Bob Moulton, president of Americana Mortgage Group Inc., a mortgage brokerage in New York, says he frequently advises buyers to go online and check the recent sales prices of nearby homes, especially when the seller isn't using an agent.

(continued on next page)

-- Posted: March 4, 2004

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